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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**In re Application of:** Mackarewicz, *et al.*

**Docket No.:** IMET0066

**Serial No.:** 09/954,856

**Examiner:** M. Kremer

**Filed:** September 17, 2001

**Art Unit:** 3736

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**Title:** METHOD AND APPARATUS FOR MINIMIZING SPECTRAL  
INTERFERENCE DUE TO WITHIN AND BETWEEN SAMPLE VARIATIONS  
DURING *IN-SITU* SPECTRAL SAMPLING OF TISSUE

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**DECLARATION OF MARCY MAKAREWICZ UNDER 37 CFR §1.132**

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September 8, 2003

RECEIVED  
SEP 23 2003  
TECHNOLOGY CENTER R3700

Commissioner of Patents and Trademarks  
Washington, DC 20231

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Sir:

1. This Declaration is provided in response to the Office Action, dated  
35 June 13, 2003 for the above-identified patent application.

2. I have a Bachelor of Science degree in the field of Chemical  
Engineering, and I have approximately five years of experience working in the  
art to which the Claimed invention pertains. I thus consider myself to be a  
40 person reasonably skilled in the art.

3. I respectfully submit the following:

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- "Minimize" is a well known term of art in the fields of science and engineering; and
  - One having an ordinary level of skill in the art would readily understand the term "minimize" to mean "substantially eliminate."

10 4. Within the context of the invention, one skilled in the art would understand that "minimize" is used to describe a process of substantially eliminating interference due to pressure effects on a spectrum, temperature effects on a spectrum, and sample placement errors, with the end result of optimizing signal-to-noise ratio.

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5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and the like so made are punishable by fine or  
20 imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Marcy Makarewicz', with a large, stylized flourish extending from the end of the name.

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Marcy Makarewicz